UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,764	01/18/2002	Kenneth Robert Stroud	8285/481	5846

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EXAMINER
AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/054,764	STROUD ET AL.
		Examiner	Art Unit
		Hector A. Agdeppa	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4 29 2002

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to applicant's amendment filed on 9/29/05. Claims 1 -

34 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 1 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

applicant's admitted prior art, i.e., US 6,289,095 (Buttitta et al.), in view of US 6,359,975

(Cai).

As to claims 1 and 2, Buttitta et al. teaches and method and system for NPA split

processing wherein and old and new NPA are referenced in first (old) and second (new)

call processing records (CPR). Buttitta et al. also teaches that a service control point

(SCP) can receive a query or request comprising an old NPA, and determining if the first CPR identifies an NPA-sensitive service. (Abstract, Col. 2, lines 8 – 22, Col. 3, line 7 – Col. 4, line 36, Col. 5, line 48 – Col. 6, line 64, Col. 8, lines 14 – 31, Col. 9, line 49 – Col. 10, line 16, Col. 12, lines 25 - 59 of Buttitta et al.)

What Buttitta et al. does not teach is only using the second CPR instead of the first CPR if an NPA-sensitive service is identified. Instead, Buttitta et al. teaches always replacing the old NPA with the new NPA in pertinent parameters of an incoming query or request message before releasing the message to the appropriate service package. (Specification for the present application, P. 1, lines 20 – 23, Col. 6, lines 51 – 64, Coll. 12, line 25 – Col. 13, line 25, Col. 15, lines 24 – 62 of Buttitta et al.)

However, Cai teaches a method and system of avoiding redundant billing in an advanced intelligent network (AIN) by only using a pseudo-calling line identifier (CLI) if the AIN is supposed to handle billing for the call, to avoid a conflict with another system component. Such happens at an SCP of Cai. Moreover, if no potential conflict is detected, the original CLI is used. The original CLI and pseudo-CLI of Cai read on the claimed first and second records, respectively, which are associated with the old and new NPAs, respectively. (Abstract, Col. 2, line 49 – Col. 2, line 6, Col. 4, line 17 – Col. 5, line 47 of Cai)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined the teachings of Buttitta et al. and Cai inasmuch as both Buttitta et al. and Cai teach systems which avoid confusion or conflict in an AIN system. Moreover, the motivation for acting to avoid confusion or conflict only when

necessary, is notoriously old and well known, i.e., increasing speed of operation, reducing wasteful operations, etc. Buttitta et al., even though it relates to a different aspect of the system, states that a motivation to avoid excessive processing is desirable, and of course, only updating an old NPA or using a second CPR when necessary is avoiding extraneous processing. (Col. 12, lines 25 – 43 of Buttitta et al.)

As to claim 3, the above-referenced portions of Buttitta et al. and Cai recite the motivation for their respective inventions is to avoid confusion or improper service execution.

As to claim 4, see applicant's admitted art statement wherein applicant admits Buttitta et al. teaches performing the determination and processing steps in the application level of the SCP. (P. 1, lines 20 – 23 of the specification for the present invention. See also Col. 9, line 48 – Col. 10, line 16, Col. 15, lines 24 – 43 of Buttitta et al.)

As to claims 5 and 6, see the rejection of claim 1 and note that such is inherent or at least would be obvious in any AIN service. Essentially, assigning a call variable to a telephone number merely gives a certain telephone number a representation in the system or database, etc. Moreover, see again the above-referenced portions of Buttitta et al. that discuss changing the old NPA to a new NPA.

As to claim 7, such is inherently done when searching or accessing either the first and/or second call records.

As to claims 8 and 9, see the rejection of claims 3 and 7.

As to claims 10 – 12, see the rejection of claim 1 and note that Buttitta et al. teaches the use of tables as in the above-referenced portions.

As to claim 13, see the rejection of claim 4. Note also, that Buttitta et al. teaches, as is notoriously old and well known in the art that functionality can be moved around from element to element in AINs and depending on design choices and/or preferences, software and hardware can be used at both system and application levels. Moreover, Buttitta et al. teaches that the first management part handles receiving instructions and identifying services, databases, etc. The second part, effected on for example and SCP or other AIN element / node, performs the actual changing, accessing, storing, of records, databases, etc. (Col. 9, line 23 – Col. 10, line 16 of Buttitta et al.)

As to claim 14, 21, and 29, see the rejection of claims 1 and 5.

As to claims 15, 16, 23, 24, 30, and 31, see the rejection of claims 8 and 9.

As to claims 17 – 19, 25 – 27, 32, and 33, see the rejection of claims 10 – 12.

As to claims 20, 28, and 34, see the rejection of claim 13.

As to claim 22, see the rejection of claim 7.

Response to Arguments

3.   Applicant's arguments filed 9/29/05 have been fully considered but they are not persuasive.

As to applicant's arguments regarding the motivation to combine the prior art references, examiner must note that merely because *some* extra processing is required, preclusion from the combination is not necessary. The specification for the present invention admits that earlier approaches resulted in extra processing as in Buttitta et al.

However, that extra processing involves actually processing an incoming call. Merely determining whether or not updating an old NPA or using a second call record would not incur the same amount of processing as would be required when processing an actual call. See the Abstract of Buttitta et al. wherein it is taught that the method of Buttitta et al. already involves some determination of whether or not items require updating. Therefore, this type of determination is already done and could easily be extended or a variation made which would not involve a substantial amount of extra processing.

Moreover, this combination of Buttitta et al. and Cai is merely a temporary action and so even though applicant guesses at a possible motivation for the Buttitta et al., in fact, the motivation is to reduce the time needed and processing needed for updating the database. Making a determination as to whether or not a second call record should be used does not necessarily add to the database updating processing aspect of Buttitta et al.

Finally, applicant's argument that Buttitta et al. provides a certain level of comfort in ensuring less mistakes are made, applicant is only admitting a shortcoming of the present invention. However, such a tradeoff seems to be acceptable to applicant and so could be acceptable to one of ordinary skill in the art as well.

As to applicant's arguments regarding Cai, examiner was explicit in indicating that Buttitta et al. and Cai taught different aspects of a system. Therefore, applicant's attempt to argue against their combination by stating that Cai only teaches dealing with one record is misplaced. If Buttitta et al. and Cai dealt with exactly the same aspect, then perhaps arguendo, applicant would have a point. However, here, examiner merely

used the idea of lessening processing taught by Cai and argued it would be obvious to

modify Buttitta et al. in the same manner – not that Cai and Buttitta et al. would simply

be "slapped together" and result in the present invention. Moreover, examiner also

stated that even though Cai teaches only one record, there exists an original CLI and a

pseudo-CLI, each respectively being analogized to the claimed first and second

records. Therefore, even though Cai only addresses one physical record, logically it

deals with two and so that idea could obviously be carried over to Buttitta et al. without

resulting in an inoperable system or a teaching away as applicant suggests.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

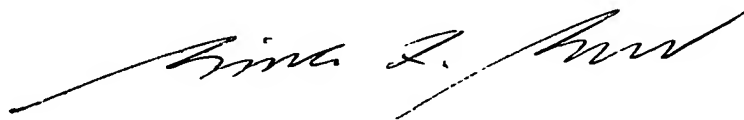than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
November 28, 2005

BING Q. BUI
PRIMARY EXAMINER